

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.1316 OF 2006

Sangeeta S.Wadekar,	..	Petitioner.
Vs		
1. Kanhaiyalal Jasraj Chamanji and anr.	..	Respondents

Mr Raja Thakare, for the petitioner.
Mrs M.S.Deshmukh, APP for the respondent.
Mr A.M.Saraogi, for respondent no.1.

**CORAM : D.B.BHOSALE, J.
DATED : 9th AUGUST, 2006**

P.C.:

1. In this petition, the petitioner has challenged the order passed by the courts below rejecting his prayer for clubbing the two cases filed against him by the respondent-complainant, one under section 138 of Negotiable Instruments Act and the other under section 420 of Indian Penal Code. I have heard Mr Thakare, learned counsel for the petitioner, Mr Saraogi, learned counsel for the respondent-complainant and Mrs Deshmukh, learned APP for the respondent-State. I also perused section 220 of Criminal Procedure Code. From perusal of the judgment and in particular the judgment of the Sessions Court in revision, both the cases need not be clubbed as prayed for by the petitioner for the reasons recorded in the impugned order and in particular paragraph 6 in the order of the Sessions Court dated 9.6.2006. The relevant observations in paragraph 6 read thus:

"6. Accused-appellant herein moved the above referred application for clubbing the cases for joint trial. The learned Magistrate rejected the application. However, he made it clear that the evidence of the witnesses who are common shall be recorded in one case and the same would be read in the other case. After the recording of evidence is complete, the evidence in the other case would be recorded and both would be simultaneously disposed off by two separate judgments."

3. Looking to the aforesaid observations and for the reasons recorded in the impugned orders, in my opinion, no case for interference is made out. The writ petition is accordingly dismissed.

(D.B.BHOSALE, J.)